

OPINIONS AND DECLARATIONS RENDERED BY THE INTER- NATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

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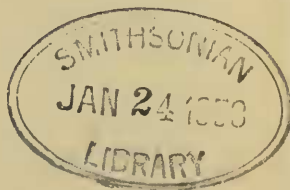
FRANCIS HEMMING, C.M.G., C.B.E.

Secretary to the Commission

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DIRECTION 83

Suppression under the Plenary Powers of the specific name *ferox* Gmelin (S.G.), 1771, as published in the combination *Accipiter ferox* (Class Aves) (*Direction Supplementary to Opinion 67*)



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INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

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Professor F. S. BODENHEIMER (*The Hebrew University, Jerusalem, Israel*) (11th November 1954)

Professor Ernst MAYR (*Museum of Comparative Zoology at Harvard College, Cambridge, Massachusetts, U.S.A.*) (4th December 1954)

Professor Enrico TORTONESE (*Museo di Storia Naturale "G. Doria", Genova, Italy*) (16th December 1954)

DIRECTION 83

SUPPRESSION UNDER THE PLENARY POWERS OF THE
SPECIFIC NAME "FEROX" GMELIN (S.G.), 1771, AS
PUBLISHED IN THE COMBINATION "ACCIPITER
FEROX" (CLASS AVES) ("DIRECTION"
SUPPLEMENTARY TO "OPINION" 67)

RULING :—(1) Under the Plenary Powers the specific name *ferox* Gmelin (S.G.), 1771, as published in the combination *Accipiter ferox* (Class Aves), is hereby suppressed for the purposes of the Law of Priority but not for those of the Law of Homonymy.

(2) The under-mentioned specific name is hereby placed on the *Official List of Specific Names in Zoology* with the Name Number 1461 :—

gallicus Gmelin (J.F.), 1788, as published in the combination *Falco gallicus* (specific name of type species of *Circaetus* Vieillot, 1816) (Class Aves).

(3) The under-mentioned specific name is hereby placed on the *Official Index of Rejected and Invalid*

Specific Names in Zoology with the Name Number 486 :—

ferox Gmelin (S.G.), 1771, as published in the combination *Accipiter ferox*, as suppressed under the Plenary Powers in (1) above.

I. THE SUBJECT MATTER OF THE PRESENT “ DIRECTION ”

The present *Direction* is concerned to secure the position of the specific name *gallicus* Gmelin (J.F.), 1788, as published in the combination *Falco gallicus*, the position of which had been threatened at various times on the ground that it was a junior subjective synonym of the specific name *ferox* Gmelin (S.G.), 1771, as published in the combination *Accipiter ferox*. The nominal species *Falco gallicus* Gmelin is the type species of the genus *Circaetus* Vieillot, 1816, a name which was placed on the *Official List of Generic Names in Zoology* by the Ruling given in *Opinion* 67, and it was in connection with the preparation for publication in book-form of this portion of the *Official List* that the issue referred to above came to light. The present problem was placed before the International Commission by the Secretary in the following paper on 21st February 1956 :—

Proposed suppression under the Plenary Powers of the specific name “ *ferox* ” Gmelin (S.G.), 1771, as published in the combination “ *Accipiter ferox* ” (Class Aves) (application submitted to secure a clarification of “ *Opinion* ” 67)

By FRANCIS HEMMING, C.M.G., C.B.E.

(Secretary to the International Commission on Zoological Nomenclature)

The purpose of the present application is to ask the International Commission on Zoological Nomenclature to use its Plenary Powers to suppress the specific name *ferox* Gmelin (S.G.), 1771 (*Nov. Comment. Acad. Sci. imp. Petrop.* 15 : 442), as published in the combination *Accipiter ferox*, in order to provide an assured position for the specific name *gallicus* Gmelin (J.F.), 1788 (*in* Linnaeus, *Syst. Nat.* (ed. 13) 1(1) : 259), as published in the combination *Falco gallicus*, the specific name of the type species of *Circaetus* Vieillot, 1816, a name which was placed on the *Official List of Generic Names in Zoology* by the Ruling given by the International Commission in *Opinion* 67 (1916; *Smithson. Publ.* 2409 : 177—182).

2. This matter is one of considerable urgency, for arrangements are now well advanced for the early publication of the *Official Lists* in book-form and the present is one of a relatively small number of cases where further action by the Commission is required before publication can take place.

3. The present case arises out of a General Directive issued by the Thirteenth International Congress of Zoology, Paris, 1948, which placed upon the International Commission the obligation (a) to enter on the *Official List of Specific Names in Zoology* the specific name of the type species of every genus, the name of which had prior to that date been placed on the *Official List of Generic Names in Zoology*, where that name was the oldest available such name for the species concerned and, (b) in other cases to place on the *Official List* whatever might be found to be the oldest available name for the species in question.

4. Towards the close of 1955 steps were taken by the International Commission to comply with the foregoing Directive in so far as it applied to the names of the type species of genera of birds which had been placed on the *Official List* before the Paris Congress of 1948.¹ At this point Professor Ernst Mayr drew attention to the fact that the specific name *gallicus* Gmelin, 1788, would remain threatened until the name *ferox* Gmelin, 1771, as published in the combination *Accipiter ferox*, had been placed on the *Official Index of Rejected and Invalid Specific Names in Zoology*. In this connection he recalled that he had discussed this name in a paper which he had communicated to the Office of the International Commission some three weeks earlier. For the purposes of the present application the portion of Professor Mayr's paper relating to the name *Accipiter ferox* Gmelin has been extracted and is annexed hereto. It will be seen from Professor Mayr's paper that in the period from 1934—1944 various authors attempted to identify the foregoing nominal species with *Falco gallicus* Gmelin and consequently sank *gallicus* Gmelin as a junior subjective synonym of *ferox* Gmelin but that since 1944 the nominal species *Accipiter ferox* Gmelin had been universally accepted as indeterminable, the name *ferox* Gmelin being therefore treated as a *nomen dubium*.

5. In the paper referred to above Professor Mayr, who was not at that time aware that the name *ferox* Gmelin affected an existing entry on the *Official List*, proposed that the names enumerated in it should be dealt with under the notification and challenge procedure laid down by the Copenhagen Congress for the purpose of providing a means for securing immediate provisional protection for names, to be followed after a considerable period of years either by automatic permanent protection or by submission to the International Commission for the

¹ The decisions taken by the International Commission in this matter have since been embodied in *Direction 43* (1956, *Ops. Decls. int. Comm. zool. Nomencl.* 1 (D) : 171—210).

purpose of securing such protection. For the reasons explained in paragraphs 2 and 3 above, this slow-moving procedure is inappropriate in the present case, since the question is one which must be determined promptly in order to permit of the addition to the *Official List of Specific Names in Zoology* of the name *gallicus* Gmelin, 1788, before the *Official List* volume is sent to be printed.

6. Accordingly, I now ask the International Commission :—

- (1) in the light of the information provided by Professor Mayr, to use its Plenary Powers to suppress the specific name *ferox* Gmelin (S.G.), 1771, as published in the combination *Accipiter ferox*, for the purposes of the Law of Priority but not for those of the Law of Homonymy ;
- (2) to place the specific name *gallicus* Gmelin (J.F.), 1788, as published in the combination *Falco gallicus* (specific name of type species of *Circaetus* Vieillot, 1816) on the *Official List of Specific Names in Zoology* ;
- (3) to place on the *Official Index of Rejected and Invalid Specific Names in Zoology* the specific name specified in (1) above, as there proposed to be suppressed under the Plenary Powers.

ANNEXE

Note on the specific name “*ferox*” Gmelin (S.G.), 1771, as published in the combination “*Accipiter ferox*”

(extract from a paper (Z.N.(S.) 1033) entitled “ The Names of Nominal Species of Birds to be placed on the “ Official Index of Rejected and Invalid Specific Names in Zoology ”)

By ERNST MAYR

(*Museum of Comparative Zoology at Harvard College,
Cambridge, Massachusetts, U.S.A.*)

“*Accipiter ferox*” Gmelin

Accipiter ferox Gmelin (S.G.), 1771, *Novi. Comment. Acad. Petrop.* **15**(1770) : 442, pl. X “ Astrachan ”

This name has a chequered history. In the *Vögel pal. Fauna* (: 1115) Hartert uses it for the bird now called *Buteo rufinus* Cretzschmar. Hartert later realised that the name *ferox* was not applicable to this species (*op. cit.* : 1189) and it was discarded as unidentifiable. Claude Grant (1934, *Ibis* (13) **4** : 643) tried to show that the description of *Accipiter ferox* applied better to the Short-Toed Eagle (*Circaetus gallicus*) than to any other hawk and proposed to sink *gallicus* into the synonymy of *ferox*. This proposal was, for a while, accepted by

several authors until Mayr showed (1944, *Emu* 43 : 302—304) that the original description of *Accipiter ferox* contains too many contradictions to be applied to the Short-Toed Eagle or any other hawk. This conclusion has since been adopted by Grant and all other recent authors and the name is now universally considered as indeterminate.

II. THE SUBSEQUENT HISTORY OF THE CASE

2. Registration of the present application : Upon the receipt of Mr. Hemming's paper, the question of the suppression under the Plenary Powers of the specific name *ferox* Gmelin (S.G.), 1771, as published in the combination *Accipiter ferox* (Class Aves) was allotted the Registered Number Z.N.(S.) 1052.

3. Publication of the present application : The present application was sent to the printer on 29th February 1956 and was published on 20th July of the same year in Part 4 of Volume 12 of the *Bulletin of Zoological Nomenclature* (Hemming, 1956, *Bull. zool. Nomencl.* 12 : 120—122).

4. Issue of Public Notices : Under the revised procedure prescribed by the Thirteenth International Congress of Zoology, Paris, 1948 (1950, *Bull. zool. Nomencl.* 4 : 51—56), Public Notice of the possible use by the International Commission on Zoological Nomenclature of its Plenary Powers in the present case was given on 20th July 1956 (a) in Part 4 of Volume 12 of the *Bulletin of Zoological Nomenclature* (the Part in which Mr. Hemming's application was published) and (b) to the other prescribed serial publications. In addition such Notice was given to four general zoological serial publications and to twelve ornithological serials in various parts of the world.

5. Support received from Ernst Mayr (Museum of Comparative Zoology at Harvard College, Cambridge, Massachusetts, U.S.A.) : As shown in the Annexe to the present application (i.e. in the Annexe to the paper reproduced in the first paragraph of the present *Direction*) the action recommended in the present case was supported by Professor Ernst Mayr (*Museum of Comparative Zoology at Harvard College, Cambridge, Massachusetts, U.S.A.*).

6. No objection received : No objection to the action proposed in the present case was received from any source.

III. THE DECISION TAKEN BY THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

7. Issue of Voting Paper V.P.(57)13 : On 15th February 1957 a Voting Paper (V.P.(57)13) was issued in which the Members of the Commission were invited to vote either for, or against, " the proposal relating to the specific name *ferox* Gmelin (S.G.), as published in the combination *Accipiter ferox* (Class Aves), as set out in Points (1) to (3) in paragraph 6 on page 121 of Volume 12 of the *Bulletin of Zoological Nomenclature* " [i.e. in the paragraph numbered as above in the paper reproduced in the first paragraph of the present *Direction*].

8. The Prescribed Voting Period : As the foregoing Voting Paper was issued under the Three-Month Rule, the Prescribed Voting Period closed on 15th May 1957.

9. Particulars of the Voting on Voting Paper V.P.(57)13 : At the close of the Prescribed Voting Paper, the state of the voting on Voting Paper V.P.(57)13 was as follows :—

- (a) *Affirmative Votes had been given by the following twenty-four (24) Commissioners (arranged in the order in which Votes were received) :*

Boschma ; Mayr ; Lemche ; Hering ; Prantl ; Holthuis ;
Bonnet ; Mertens ; Dymond ; Vokes ; Bodenheimer ;
Bradley (J.C.) ; Key ; Riley ; Stoll ; Esaki ; do Amaral ;
Jaczewski ; Hemming ; Kühnelt ; Sylvester-Bradley ;
Cabrera ; Tortonesi ; Miller ;

(b) *Negative Votes :*

None ;

(c) *Prevented from voting by interruption of postal communications consequent upon political disturbances, one (1) :*

Hankó ;

(d) *Voting Papers not returned :*

None.

10. Declaration of Result of Vote : On 16th May 1957, Mr. Hemming, Secretary to the International Commission, acting as Returning Officer for the Vote taken on Voting Paper V.P.(57)13, signed a Certificate that the Votes cast were as set out in paragraph 9 above and declaring that the proposal submitted in the foregoing Voting Paper had been duly adopted and that the decision so taken was the decision of the International Commission in the matter aforesaid.

11. Preparation of the Ruling given in the present " Direction " : On 10th September 1957, Mr. Hemming prepared the Ruling given in the present *Direction* and at the same time signed a Certificate that the terms of that Ruling were in complete accord with those of the proposal approved by the International Commission in its Vote on Voting Paper V.P.(57)13.

12. Original References : The following are the original references for the names placed on the *Official List of Specific Names in Zoology* and the *Official Index of Rejected and Invalid Specific Names in Zoology* respectively by the Ruling given in the present *Direction* :—

ferox, *Accipiter*, Gmelin (S.G.), 1771, *Novi Comment. Acad. Sci. imp. Petrop.* **15** : 442

gallicus, *Falco*, Gmelin (J.F.), 1788, in Linnaeus, *Syst. Nat.*
(ed. 13) 1(1) : 259

13. The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in dealing with the present case, and the present *Direction* is accordingly hereby rendered in the name of the said International Commission by the under-signed Francis Hemming, Secretary to the International Commission on Zoological Nomenclature, in virtue of all and every the powers conferred upon him in that behalf.

14. The present *Direction* shall be known as *Direction* Eighty-Three (83) of the International Commission on Zoological Nomenclature.

DONE in London, this Tenth day of September, Nineteen Hundred and Fifty-Seven.

*Secretary to the International Commission
on Zoological Nomenclature*

FRANCIS HEMMING